

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TYRONE CADE,	§	
	§	Petitioner,
	§	
v.	§	Civil Action No. 3:17-CV-03396-G
	§	
BOBBY LUMPKIN, Director,	§	DEATH PENALTY CASE
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
	§	
Respondent.	§	

**RESPONDENT'S OPPOSED¹ MOTION FOR LEAVE TO
SUPPLEMENT ANSWER**

This is a federal habeas proceeding initiated by Texas death row inmate Tyrone Cade. *See* 28 U.S.C. §§ 2241, 2254. Respondent Bobby Lumpkin (the Director) filed his Answer to Cade's Second Amended Petition (ECF No. 127) on March 8, 2022. ECF No. 132. The Director seeks leave to file a Supplement to his Answer to address the Supreme Court's recent decision in *Shinn v. Martinez Ramirez*, 142 S. Ct. 1718 (May 23, 2022), which will greatly assist this Court in determining that Cade is not entitled to relief on several of his claims of ineffective assistance of counsel. The Director therefore requests

¹ On June 15, undersigned counsel conferred with opposing counsel regarding whether the petitioner opposes this motion for leave. Based on that conversation, undersigned counsel believes the petitioner is opposed, but undersigned counsel has not been able to confirm the petitioner's position prior to the filing of this motion.

leave pursuant to Federal Rule of Civil Procedure Rule 15(d) to file a Supplement to Respondent's Answer, which is attached hereto as Exhibit A.

CONCLUSION

For the foregoing reasons, the Director moves this Court for leave to file a Supplement to Respondent's Answer in this federal writ of habeas corpus action.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JOSH RENO
Deputy Attorney General
for Criminal Justice

EDWARD L. MARSHALL
Assistant Attorney General
Chief, Criminal Appeals Division

s/ Cara Hanna *
CARA HANNA
Assistant Attorney General
State Bar No. 24055766
P. O. Box 12548, Capitol Station
Austin, Texas 78711
(p) (512) 936-1400 (f) (512) 936-1280
ATTORNEYS FOR RESPONDENT

*Lead Counsel

CERTIFICATE OF CONFERENCE

On June 15, 2022, the undersigned conferred with counsel for Cade but has not been able to confirm whether the petitioner is opposed to this motion for leave.

s/ Cara Hanna
CARA HANNA
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2022, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to lead counsel, who has consented in writing to accept this Notice as service of this document by electronic means:

Tivon Schardl
Federal Public Defender
Western District of Texas
Capital Habeas Unit
504 Lavaca Street Suite 960
Austin, TX 78701

Joseph Perkovich
Phillips Black Inc.
PO Box 4544
New York, NY 10163

s/ Cara Hanna
CARA HANNA*
Assistant Attorney General